IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 8TH FEBRUARY 2007 / 19TH MAGHA 1928

WP(C).No. 4464 of 2007(F)

CMA.372/2002 of D.C. & SESSIONS COURT, ERNAKULAM
ELE.O.P.NO.12/2005 of MUNSIFF'S COURT, MUVATTUPUZHA

.....

PETITIONER:

SANTHOSH GEORGE, AGED 39 YEARS,
S/O M.I.VARGHESE, MOOZHIYIL HOUSE,
KADAVOOR VILLAGE.

BY ADV. SRI.K.RAMAKUMAR
SRI.T.RAMPRASAD UNNI

RESPONDENTS:

1. P.S.MATHAI, AGED 43, S/O SCARIA,
   PARAPPANATTU HOUSE, NJARAKKADU,
   KADAVOOR VILLAGE.

2. K.N.VIJAYAN, AGED ABOUT 45 YEARS,
   S/O NARAYANAN, KANJAMPURATH
   HOUSE, DO. DO.

3. THE PAINGOTTUR GRAMA PANCHAYAT,
   ERNAKULAM DISTRICT REP. BY ITS
   SECRETARY.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.P. Balachandran, J.

W.P.(C)No. 4464 of 2007 E

JUDGMENT

This writ petition has been filed by the first defendant in Election O.P.No.12/05 on the file of the Munsiff's Court, Muvattupuzha seeking for the following reliefs:

> i. To issue a writ of mandamus commanding the Paingottur Grama Panchayat, the third respondent, to continue the petitioner as a member of the said Panchayat pending the Election Appeal 40 of 2007 submitted by him before the District Court, Ernakulam.
>
> ii. To issue such other writs, orders or directions as this Hon'ble Court may deem fit and proper in the circumstances of the case."

It is submitted by the counsel for the petitioner that though Election Appeal 40/07 was filed by the petitioner before the District Court, Ernakulam on 4.2.2007 and it came up for consideration before the District Judge on 7.2.2007, the District Judge adjourned the stay petition to 21.2.2007 without granting any interim order of stay, despite the fact that the petitioner in the Election Petition, who is the first respondent in the appeal filed by him as Election Appeal 40/07, had entered appearance and that in the event of stay not being granted, the petitioner is to loose his membership in the Panchayat as also the post of President he is holding at present.

2. In the result, I grant interim stay of operation of the order in Election O.P.No.12/05 on the file of the Munsiff's Court, Muvattupuzha till 28.2.2007 and direct the District Judge, Ernakulam to pass appropriate orders on the stay petition filed in Election appeal 40/07 positively before

28.2.2007.

This writ petition is disposed of with the above directions.

8th February, 2007 (K.P.Balachandran, Judge)

tkv